

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Applicant(s): Stuart Arthur BATEMAN, et al.

U.S. Serial No.: 10/533,579

U.S. Filing Date: May 2, 2005

Group: not yet assigned

INTERNATIONAL APPLICATION NO.:
PCT/AU2003/001443

Our Ref.: B-5691PCT 622624-8

INTERNATIONAL FILING DATE:
31 October 2003

For: "FIRE RESISTANT MATERIAL"

Date: April 13, 2007

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Office of PCT Legal Administration
Mr. Daniel Stemmer

RENEWED PETITION UNDER 37 CFR 1.497(d)

Dear Sir:

In response to the Decision on Petition Under 37 CFR 1.497(d) mailed on March 5, 2007 (copy enclosed), please find enclosed herewith two separate Written Consent of the Assignee Under 37 CFR 3.73(b) executed by an authorized officer on behalf of Assignee The Boeing Company and Assignee Commonwealth Scientific & Industrial Research Organisation.

The Applicants believe that the enclosed Written Consent of the Assignee Under 37 CFR 3.73(b) satisfies Item (3) as described in the Decision on Petition and respectfully request that the Petition Under 37 CFR 1.497(d) be granted upon consideration of the enclosed evidence.

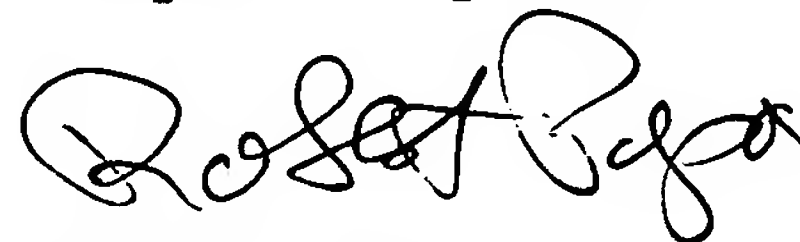
Renewed Petition Under 37 CFR 1.497(d)
USSN 10/533,579
April 13, 2007
Page 2

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to "MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on April 13, 2007 by Lianne M. Doan.



Respectfully submitted,



Robert Popa
Attorney for Applicant
Reg. No. 43,010

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Enclosure: Written Consent of the Assignee Under 37 CFR 3.73(b)
for Assignee The Boeing Company
Written Consent of the Assignee Under 37 CFR 3.73(b)
for Assignee Commonwealth Scientific & Industrial
Research Organisation

05 MAR 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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In re Application of
BATEMAN et al.

Application No.: 10/533,579

PCT No.: PCT/AU2003/001443

Int. Filing Date: 31 October 2003

Priority Date: 31 October 2002

Attorney Docket No.: B-5691PCT 622624-8

For: FIRE RESISTANT MATERIAL

DECISION ON PETITION

UNDER

37 CFR 1.497(d)

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.497(d)" filed in the United States Patent and Trademark Office (USPTO) on 06 February 2007.

BACKGROUND

On 31 October 2003, applicants filed international application PCT/AU2003/001443, which designated the United States and claimed a priority date of 31 October 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 13 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 May 2005 (30 April 2005 being a Saturday).

On 02 May 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee and an unsigned declaration of inventors.

On 07 December 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage were required.

On 07 March 2006, applicants filed a "REQUEST TO DELETE INVENTORS", which has properly been treated as a petition under 37 CFR 1.497(d), and the surcharge under 37 CFR 1.492(h). The petition was accompanied by a declaration of Matthew Allen Anglin, a declaration of James Macon Peterson, and a declaration of inventors identifying Stuart Arthur Bateman,

Matthew Jon Partlett, and Dong Wang Yu as the inventors and signed by them.

On 31 March 2006, applicants filed a supplemental submission which included a declaration of Barbara Lord MacLean.

On 27 July 2006, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 07 March 2006 did not identify all of the inventors.

On 01 November 2006, a decision was mailed properly treating applicants' submissions filed 07 March 2006 and 31 March 2006 as a petition under 37 CFR 1.497(d). The decision dismissed applicants' petition without prejudice and vacated the NOTIFICATION OF DEFECTIVE RESPONSE mailed 27 July 2006.

On 06 February 2007, applicants submitted the instant "RENEWED PETITION UNDER 37 CFR 1.497(d)" which was accompanied by, *inter alia*, a declaration of Matthew Allen Anglin, a declaration of James Macon Peterson, declaration of Barbara Lord MacLean, a statement under 37 CFR 3.73(b) from Commonwealth Scientific & Industrial Research Org., and a statement under 37 CFR 3.73(b) from The Boeing Company.

DISCUSSION

37 CFR 1.497(d), provides:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92^{bis} subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in Sec. 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and

(4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 01 November 2006, item (2) has been satisfied and item (4) is not required.

Item (1) has now been satisfied.

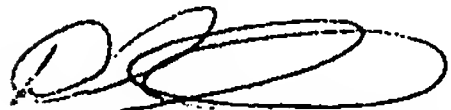
Item (3) has still not been satisfied. Although a proper showing under 37 CFR 3.73(b) has been made, the written consent of the assignees has not been provided.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stuart Arthur BATEMAN,)
et al.)
Serial No.: 10/533,579) Group: unknown
)
U.S. Filing Date: May 2, 2005) Examiner: unknown
)
International Application No:)
PCT/AU2003/001443)
International Filing Date:)
31 October 2003) Our Ref.: B-5691PCT 622624-8
)
For: "FIRE RESISTANT MATERIAL")

WRITTEN CONSENT OF THE ASSIGNEE UNDER 37 CFR 3.73(b)

I, the undersigned, state that I am an authorized officer on behalf of The Boeing Company, a United States of America Corporation.

I hereby state that James Macon Peterson, Matthew Allen Anglin, and Barbara Lord MacLean are not inventors in the subject U.S. patent application no. 10/533,579, which is the U.S. national stage of International Application No. PCT/AU2003/001443.

Therefore, please accept this letter as my written consent to delete James Macon Peterson, Matthew Allen Anglin, and Barbara Lord MacLean as inventors in the above-identified application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

Written Consent of the Assignee
The Boeing Company
USSN 10/533,579
Page 2

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this 3RD
day of APRIL 2007 (date of signing).

The Boeing Company

By 

(Signature of person authorized to
sign on behalf of ASSIGNOR)

Printed name of the person making this
statement Lawrence A. Savage

Post Office Address 7755 East Marginal Way
South, Seattle, Washington 98108, U.S.A.

Telephone Number (206) 652-0558 ⁶⁵⁵⁻⁵⁵²³

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stuart Arthur BATEMAN,
 et al.
Serial No.: 10/533,579
U.S. Filing Date: May 2, 2005
International Application No:
 PCT/AU2003/001443
International Filing Date:
 31 October 2003
For: "FIRE RESISTANT MATERIAL"

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)
) Group: unknown
)
) Examiner: unknown
)
)
)
) Our Ref.: B-5691PCT 622624-8
)
)

WRITTEN CONSENT OF THE ASSIGNEE UNDER 37 CFR 3.73(b)

I, the undersigned, state that I am an authorized officer on behalf of Commonwealth Scientific & Industrial Research Organisation, a Australian Corporation.

I hereby state that James Macon Peterson, Matthew Allen Anglin, and Barbara Lord MacLean are not inventors in the subject U.S. patent application no. 10/533,579, which is the U.S. national stage of International Application No. PCT/AU2003/001443.

Therefore, please accept this letter as my written consent to delete James Macon Peterson, Matthew Allen Anglin, and Barbara Lord MacLean as inventors in the above-identified application.

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Written Consent of the Assignee
Commonwealth Scientific & Industrial
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Page 2

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this 5th
day of APRIL, 2007 (date of signing).

Commonwealth Scientific and
Industrial Organisation

By 

(Signature of person authorized to
sign on behalf of ASSIGNOR)

JOHN HERBERT WALKER
Authorised Officer

Printed name of the person making this
statement _____

Post Office Address Limestone Avenue,
Campbell, ACT, 2612, Australia

Telephone Number 613 98203022